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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 145 of 2018**

(Arising out of order dated 12.01.2018 passed by learned Single Judge in Writ Petition (S) No. 436 of 2018)

- Rajendra Prasad Ratre, S/o Shri Sujan Chand Ratre, Aged About 46 Years, R/o Ward No. 14 Shankar Nagar, Tahsil And Police Station Navagarh, District Bemetara, Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Panchayat, Panhayat Secretariat / Mantralay, Indravati Bhawan, New Raipur, District Raipur, Chhattisgarh
2. The Chief Executive Officer, Zila Panchayat Bemetara, District Bemetara Chhattisgarh
3. The Block Education Officer, Tahsil Navagarh, District Bemetara, Chhattisgarh
4. Shri Anil Kumar Jangde, Incharge Cluster Academic Coordinator, Sankul Kendra Thengabhat, Block Nawagarh, District Bemetara, Chhattisgarh

---- Respondents

For Appellant	:	Shri P.K.C. Tiwari, Senior Advocate assisted by Shri Shashi Bhushan Tiwari, Advocate.
For Respondent Nos.1 to 3/State :		Shri U.N.S. Deo, Government Advocate.
For Respondent No.4	:	Shri Prasoon Agrawal, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Pritinker Diwaker****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****13.07.2018**

1. Heard the learned senior counsel for the Appellant and counsel for the State as well as the private Respondent No.4.
2. Submissions of the learned senior counsel for the Appellant is that the learned Single Judge has erroneously dismissed the writ application vide order dated

12.01.2018 not appreciating the fact that private Respondent No.4 was given the responsibility of a Cluster Academic Coordinator because of the fact that the Appellant was put under suspension pursuant to a strike call and his arrest and detention for more than 48 hours.

3. Private Respondent No.4 is only an Assistant Teacher whereas the selection and appointment and handling of the responsibility was saddled upon the present Appellant as a teacher, as a Cluster Academic Coordinator, after due process. Once the Appellant's suspension was revoked as a natural corollary he should have been allowed to go and join as a Cluster Academic Coordinator and not be relegated to the post of a teacher and to the school from where he was selected and appointed as a coordinator.
4. Keeping in mind that it was a temporary arrangement which was resorted to, under the circumstances, by the State, the revocation of suspension of the Appellant should have restored him to the post of Cluster Academic Coordinator.
5. If the State authorities thereafter were of the opinion that his continuance as a Cluster Academic Coordinator because of his activities or in failure performance of duty, necessitates an appropriate decision it could be taken independently.
6. The appeal is allowed. The impugned order dated 12.01.2018 is quashed. The Respondents authorities will restore the Appellant to the post of Cluster Academic Coordinator. His continuance thereafter on that post will be left to the wisdom of the competent authority.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge